

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291 Fax: (801) 359-3940

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program. (R647-3-et seq.)

These pages will replace the corresponding pages in the original NOI.

1. GENERAL INFORMATION

1. Name of Mine: CMC Point West Deco. 1
2. Legal name of entity (or individual) for whom the permit is being requested: CMC Rock LLC
Mailing Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
E-mail Address: mwhite@cmcutah.com

Type of Business:

Corporation _____, LLC ☒, Partnership – general _____ or limited _____,
Sole Proprietorship (dba) _____, or Individual _____

Entity must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC).

Are you currently registered to do business in the State of Utah? Yes ☒ No _____

Entity # 6547225-0160

If no, contact DOC at www.commerce.utah.gov to renew or apply.

Local Business License # : 952 (if required)

Issued by: City: Herriman City or County: _____

If Business is a Sole Proprietor:

Name of owner: _____ Title: _____

Business Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

If Business is a Partnership:

Name of Partner: _____

Business Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

APPROVED

AUG 31 2010

DIV. OIL GAS & MINING

If Business is a Corporation:

Name of Officers: _____ Title: _____

Corporate Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

If Business is a Limited Liability Company: Member Managed ☒ Manager Managed _____

Name of 1st Member/Manager: Martin White Title: President
Business Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
E-mail Address: mwhite@cmcuath.com

2nd Member/Manager: Todd Cusick Title: CEO
Business Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
E-mail Address: tcusick@cmcutah.com

2. Contacts:

This person may be notified for: permitting ☒ surety ☒ Notices ☒
(please check all that apply)

Name: Martin White Title: President
Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
Emergency, Weekend, or Holiday Phone: 801-819-9090
E-mail Address: mwhite@cmcutah.com

This person may be notified for: permitting ☒ surety ☒ Notices ☒
(please check all that apply)

Name: Abe Adams Title: Business Manager
Address: 71 E Wadsworth Park Dr
City, State, Zip: Draper, UT 84020
Phone: 801-676-5350 Fax: 801-676-5351
Emergency, Weekend, or Holiday Phone: 801-509-1238
E-mail Address: aadams@cmcutah.com

Registered Utah Agent (as identified with the Utah Dept of Commerce) (if individual leave blank):

Name: Corporate Agent Services LLC Title: _____
Address: 60 E South Temple Suite 1800
City, State, Zip: Salt Lake City, UT 84111
Phone: 801-328-3600 Fax: 801-321-4893
E-mail Address: _____

APPROVED

AUG 31 2010

DIV. OIL GAS & MINING

5. **Ownership of Land Surface:**

Private (Fee) G Public Domain (BLM) G National Forest (USFS) G
State Trust Land/School Sections G State Sovereign Lands G
Other (please describe): _____

Name Wasatch South Hills LLC Address _____
Name _____ Address _____
Name _____ Address _____
Name _____ Address _____

6. **Ownership of Minerals:**

Private (Fee) G Public Domain (BLM) G National Forest (USFS) G
State Trust Land/School Sections G State Sovereign Lands G
Other (please describe): _____

Name Same as above Address _____
Name _____ Address _____
Name _____ Address _____
Name _____ Address _____

BLM Lease or Project File Number(s) and/or USFS assigned Project Number(s): _____

B LM Claim Numbers _____

Utah State Lease Number(s): _____

Name of Lessee(s) _____

7. **Have the above surface and mineral owners been notified in writing?**

Yes x No _____

If no, why not? _____

Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration prior to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.

8. **Does the Entity have legal right to enter and conduct mining operations on the land covered by this notice?** Yes x No _____

APPROVED

JAN 15 2008

DIV. OIL GAS & ...

II. **PROJECT LOCATION & MAP**(Rule R647-3-105)

1. **Project Location** (legal description):

County(ies): _____

____ 1/4, of ____ 1/4, of ____ 1/4: Section: _____ Township: _____ Range: _____
____ 1/4, of ____ 1/4, of ____ 1/4: Section: _____ Township: _____ Range: _____
____ 1/4, of ____ 1/4, of ____ 1/4: Section: _____ Township: _____ Range: _____

UTM East _____ (if known) UTM North _____ (If known)

Name of Quad Map for Location: Jordan Narrows

2. An accurate topographic base map showing the location of the proposed small mining operation must be submitted with this notice. The areas to be disturbed including access roads, must be plotted in sufficient detail so that they can be located on the ground. It is recommended that the Permittee / Operator also photo document, plot and label any pre-existing disturbances in the immediate vicinity that he is not responsible for.
3. The proposed (5 acre or less) disturbed area boundary (including access/haul roads) **should** be marked in the field ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

III. **OPERATION PLAN** (Rule R647-3-106)

1. **Type of mining:** Surface ☒ Underground

2. **Mineral(s) to be mined:** Rock

3. **Amount of material to be extracted, moved or proposed to be moved:** _____
Unknown

4. **Will any water, liquid chemicals, reagents, or other solutions be used, produced or discharged as part of the mining or milling process?**
Yes ☒ No ☐ If yes, please describe (add extra pages if needed)

5. **Provide a brief description of the proposed mining operation and onsite processing facilities** (add extra pages if necessary). No onsite facilities are necessary. The mining operation will consist of simply removing rock from the ground with a track hoe, and replacing the displaced surface to it's original contour.

6. G **New Road(s):** Length _____ (ft) Width _____ (ft)

7. G **Improved Road(s):** Length _____ (ft) Width _____ (ft)

APPROVED

JAN 15 2008

DIV. OIL GAS &

8. Total project surface acreage to be disturbed: 4 (acres) PLEASE SPECIFY EXACTACREAGE - (this will be used to determine surety bond amount - see #VI).
9. Proposed startup date of project (month, year) Sept 2006
10. Proposed completion date of project, if known (month, year) unknown

IV. OPERATION AND RECLAMATION PRACTICES(Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining. Please refer to The Practical Guide to Reclamation in Utah, available at www.ogm.ut.gov.

1. Keep the mining operation in a safe, clean, and environmentally stable condition.
2. Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.
3. Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.
4. Construct berms, fences, or barriers, when needed, above highwalls and excavations.
5. Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.
6. Remove all waste or debris from stream channels.
7. Dispose of any trash, scrap metal, wood, machinery, and buildings.
8. Conduct mining activities so as to minimize erosion and control sediment.
9. Reclaim all roads that are not part of a permanent transportation system.
10. Stockpile topsoil and suitable overburden prior to mining.
11. Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.
12. Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.
13. Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)
14. Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.

V. VARIANCE REQUEST(Rule R647-3-110)

Any variance request must be approved in writing by the Division

Yes ☒ No

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above (see IV. Operation and Reclamation Practices Item # 1-14), should be identified below listing applicable rule number. Give justification for the variance(s) and alternate methods or measure to be utilized. A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.

APPROVED

JAN 15 2008

DIV OIL GAS & MINING

1st Variance

Requested

R647-3-109.14

Item #

Applicable Rule # (i.e. R647-3-109.10 (if you did not want trenches & pits reclaimed)

Justification: Need to rotate existing small claim to new area without waiting a full season.

Alternate methods or measure to be utilized: Mulch & irrigation to accelerate seed germination and detain erosion.

The existing quarry is still in production. As soon as the approval is given to move to the next 4 acre claim then we will revegetate the area with seed. The mining process has been to replace the displaced soil as we moved along the designated plot, so grading has already been accomplished. The seeding and irrigating can take place almost immediately upon approval of the new variance request.

Attach additional page if more variances are requested.

VI. SURETY (Act 40-8-7(1)[c])

A reclamation contract and surety must be provided to and approved by the Division prior to commencement of operations.

The Utah Mined Land Reclamation Act (40-8-7 (1)[c] and 40-8-14 provides the authority that all mining operations furnish and maintain reasonable surety to guarantee that the land affected is reclaimed according to accepted *notices* consistent with on-site conditions.

The surety amount is based on the nature, extent and duration of operations. *The surety amounts are based on data from current large mine surety and are used as a general guide, along with actual site conditions.*

Surety for small mines sites will be escalated three (3) years to the future. Contact the Division for dollar amount required for this project.

I have provided or will provide surety in the form of:
☒ Certificate of Deposit Letter of Credit Surety Bond Cash (certified funds)

G Other _____ (please identify)

APPROVED

JAN 15 2008

VII. PERMIT FEE [Mined Land Reclamation Act 40-8-7(1)(i)]

The Utah Mined Land Reclamation Act of 1975 [40-8-7(1)(i)] provides the authority for the assessment of permitting fees. Commencing with the 1998 fiscal year (July 1 - June 30), permit fees are assessed to new and existing notices of intention, and annually thereafter, until the project disturbances are successfully reclaimed by the Permittee / Operator and released by the Division.

3. Certification:

This certification must be signed by: (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; (4.) the member or manager if applicant is a limited liability company; or (5) the individual if the applicant is filing as an individual:

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I will follow the approved mining and reclamation plan that was submitted by Decorative Landscaping Inc. (transferor), until such time that I provide the Division with an amended Notice of Intention and receive approval of the amended Notice; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

Signature:  Date: 8-23-2010

Name (typed or printed): Martin White

Title/Position (if applicable): President

APPROVED

AUG 31 2010

DIV. OIL GAS & MINING